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T-871 P.001/015 F-937

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FROM: Charles B. Cappellari
Gen-Probe Incorporated
10210 Genetic Center Drive
San Diego, California 92121
Phone No. (858) 410-8927
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TO: Examiner: Goldberg, J.
Group 1634

U.S. Patent & Trademark Office

Facsimile No. (703) 872-9306

Number of pages (including this cover page): 16

In re Patent Application of:)	Group Art Unit: 1634
)	
CUNNINGHAM <i>et al.</i>)	Examiner: Goldberg, J.
)	
Serial No. 09/954,586)	Atty. Docket No. GP116-03.UT
)	
Filed: September 11, 2001)	Confirmation No. 7245
)	
Title: COMPOSITIONS, METHODS AND)	Date: January 13, 2004
KITS FOR DETERMINING THE)	
PRESENCE OF CRYPTOSPORIDIUM)	
PARVUM ORGANISMS IN A TEST)	
SAMPLE)	

Attached hereto are the following:

- (1) Supplemental Information Disclosure Statement (2 pages);
- (2) PTO/SB/08 Form in duplicate (2 pages);
- (3) Copy of one cited reference (9 pages); and
- (4) Fee Transmittal Form in duplicate (2 pages).

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any referred to as attached) is being sent by facsimile to 703-872-9306 on the date indicated below to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

Date: January 13, 2004

By: 

Charles B. Cappellari
Registration No. 40,937
Attorney for Applicants

COPY

PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$) 180.00

Complete if Known

Application Number	09/954,586
Filing Date	September 11, 2001
First Named Inventor	Melissa Cunningham
Examiner Name	Goldberg, J.
Art Unit	1634
Attorney Docket No.	GP116-03.UT

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
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☒ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependant claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

Name (Print/Type)

Charles B. Cappellari

Registration No.
(Attorney/Agent)

40,937

(Complete if applicable)

Telephone 858-410-8927

Signature

Date

Jan. 13, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	Group Art Unit: 1634
)	
CUNNINGHAM <i>et al.</i>)	Examiner: Goldberg, J.
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Serial No. 09/954,586)	Atty. Docket No. GP116-03.UT
)	
Filed: September 11, 2001)	Confirmation No. 7245
)	
For: COMPOSITIONS, METHODS AND KITS)	VIA FACSIMILE
FOR DETERMINING THE PRESENCE)	
OF CRYPTOSPORIDIUM PARVUM)	
ORGANISMS IN A TEST SAMPLE)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97(c)**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants bring to the Examiner's attention the reference listed on the attached PTO/SB/08 form (two copies) for consideration in connection with the examination of the above-identified application. A copy of the cited reference is attached herewith.

This Information Disclosure Statement is being submitted under 37 C.F.R. § 1.97(c) more than three months from the filing date of the instant application and after the mailing date of a first Office action on the merits but before the mailing date of either a final action or notice of allowance.

Applicants respectfully request that the Examiner indicate consideration of the cited reference by returning a copy of the attached PTO/SB/08 form with the Examiner's initials or other appropriate marks.

IDS

Serial No. 09/954,695
Atty. Docket No. GP116-02.UT

Please charge the fee due under 37 C.F.R. § 1.17(p), and any other fee that may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

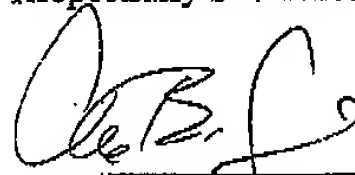
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Respectfully Submitted,

Date: January 13, 2004

By:



Charles B. Cappellari
Attorney for Applicants
Registration No. 40,937

GEN-PROBE INCORPORATED
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete if Known	
		Application Number	09/954,586
		Filing Date	September 11, 2001
		First Named Inventor	Melissa Cunningham
		Art Unit	1634
		Examiner Name	Goldberg, J.
Sheet 1	of 1	Attorney Docket Number	GP116-03.UT

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ROCHELLE et al., "Comparison of Primers and Optimization of PCT Conditions for Detection of <i>Cryptosporidium parvum</i> and <i>Giardia lamblia</i> in Water", Applied and Environmental Microbiology, Jan. 1997, 63(1):106-114, American Society of Microbiology, US.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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